

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on November 13, 2012, adopted an amendment to Chapter 150, "Improvements and Maintenance on Primary Road Extensions," Iowa Administrative Code.

This amendment provides for additional Departmental participation in the cost of constructing curb ramps on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act (ADA). This change allows the Department to move forward with the ADA transition plan.

Notice of Intended Action for this amendment was published in the September 19, 2012, Iowa Administrative Bulletin as **ARC 0333C**. No public comment was received.

As a result of comments received from the Administrative Rules Review Committee regarding the proposed removal of specific funding criteria, the Department made changes from the Notice of Intended Action. The Department:

- Added rule language to state that the Department will fund 100 percent of curb ramps on Department-initiated projects to eliminate the dependence on local jurisdictions for funding.
- Has retained rule language that allows the Department to continue funding 55 percent of the curb ramps up to \$250,000 per year per local jurisdiction on local jurisdiction-initiated projects.
- Has retained rule language that allows the Department to participate up to a total amount per year. However, the Department increased the total annual program amount to \$5 million to help expedite compliance with the ADA.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 306.4.

This amendment will become effective January 16, 2013.

Rule-making action:

Amend paragraph **150.4(3)“c”** as follows:

c. ~~The~~ If a project is initiated by the department, the department shall fund 100 percent of all curb ramps within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. If a project is initiated by a local jurisdiction, the department may participate in the cost by funding 55 percent of the cost of constructing curb ramps on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. If the department participates, the department's share of the construction cost shall be 55 percent; the city shall prepare plans, award the contract, supervise construction, and be responsible for the remaining construction cost. However, departmental participation shall not exceed \$250,000 per year for any one city local jurisdiction and ~~\$1.5~~ \$5 million per year in total.

[Filed 11/14/12, effective 1/16/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/12/12.